

# MARIN COUNTY COMMUNITY DEVELOPMENT AGENCY

ALEX HINDS, DIRECTOR

September 14, 2005

**TO:** Executive Committee, Transportation Authority of Marin (TAM)

**RE:** Discussion of Upcoming Joint Meeting with the Countywide Planning Agency Regarding the Countywide Planning Agency's Role, Scope, and Organizational Structure.

Dear Commissioners:

As discussed at the July 28 meeting of TAM, this item is being brought to the TAM Executive Committee at the request of Commissioner McGlashan for discussion in advance of the September 22 joint meeting of TAM and the Countywide Planning Agency.

## **Background and Purpose**

In 1993, the Countywide Planning Agency (CWP) was created using a Joint Exercise of Powers Agreement (JPA) between the County and the Cities/Towns in Marin County (see attachment 1). The Governing Body of the CWP includes one member of the County Board of Supervisors, and one member of the City Council of each participating City/Town. One of the goals of the agency was to prepare for a 1998 transportation sales tax ballot measure.

The purpose of the CWP is to develop, adopt and annually update the Congestion Management Program, to assist in the development of the Countywide Plan, to review projects generating more than 100 peak hour vehicle trips and to implement countywide performance standards for traffic, housing, water and sewer facilities and environmental protection to ensure that residential and commercial growth does not exceed local water, sewer, and the transportation capacities. Subsequent to forming the CWP, legislation requiring a countywide Congestion Management Agency (CMA) was passed, and the CWP was determined to be a home for the CMA. The JPA was amended to include those duties.

When TAM was formed the Congestion Management Agency duties were assigned to TAM, but the remaining functions of CWP have yet to be decided. Recently, representatives from the League of Women's Voters met with Commissioner McGlashan and County staff to discuss their support for establishing a process to evaluate, update and redefine the Countywide Planning Agency.

## **Opportunities**

The historic functions of the CWP require re-examination and there is now an opportunity to discuss the future of the CWP should continue to exist. The convening of representatives from all cities and towns lends itself to discussions on a variety of subjects including

transportation planning. As such, TAM may wish to consider the following institutional questions:

- Does TAM support having an entity address CWPA issues?

If so:

- Should the CWPA functions be incorporated into TAM's functions, or should there be a separate independent CWPA?

If an independent entity:

- What should be the membership; should it be similar to TAM with 1 member from each city/town and the five Supervisors?
- Should the city/town appointees be the same as the appointee for TAM?
- Should there be independent staff or use staff from one of the member JPA entities?

There are also questions to be addressed regarding objectives:

- What is the purpose?
- What are the roles in relation to cities/towns, county, TAM (if independent entity), LAFCO and other agencies?
- What is the required annual budget?
- What are potential sources of revenue?

The draft Countywide Plan proposes to update and possibly expand the duties of the CWPA (see attachment 2).

A forum like the CWPA can enable all the Marin County jurisdictions to discuss issues affecting them. A recent, successful past example of countywide collaboration on planning related issues was the Housing Workbook and Housing Element process. The Workbook is a "kit of parts" collaboratively developed and available to each jurisdiction to use as appropriate to meet its needs, size and resources.

Similar collaboration could be considered to share best practices on other cross-jurisdictional subjects such as:

- |   |  |
|---|--|
| • Indicator/benchmark modeling                                  | • Land use/ /transportation planning                                   |
| • Economic vitality/business targeting                          | • Antennae/receptor master planning                                    |
| • Watershed planning  | • Best agency business practices, policy sharing, program efficiencies |
| • Green building  | • Homeless master planning   |
| • Ridgeline and view shed protection                            |  |
| • Regional housing needs determination and technical assistance |  |

To that end, the CWPA can facilitate increases in cooperation and coordination by sharing resources, information, model ordinances, training, and educational materials.

## **Funding**

The JPA anticipated 2% of the transportation funds for CWPA purposes as part of the 1998 transportation sales tax measure, which was not successful. The recent approval of Measure A did not include funding for this purpose and there is no current source of funds for the existing or proposed roles. If a role for the CWPA is decided, staff will return with suggestions of possible funding sources.

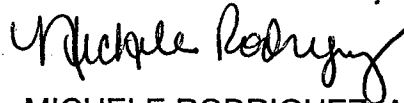
## **Recommendation:**

Discuss the above questions in preparation for the joint CWPA and TAM meeting on September 22. Consider whether to support establishing a "Blue Ribbon" Committee to evaluate and make recommendations regarding the future of the CWPA.

Respectfully Submitted,



ALEX HINDS  
Agency Director



MICHELE RODRIGUEZ, AICP  
Principal Planner

## **Attachments:**

1. CWPA JPA
2. Draft Countywide Plan policies

I/cwp/staff reports/cwpa/executive committee report of 9-14-05

24-25

**COUNTYWIDE PLANNING AGENCY  
JOINT EXERCISE OF POWERS AGREEMENT**

THIS AGREEMENT, made and entered into this 21st day of November, 1993, by and between the County of Marin, a political subdivision of the State of California, hereinafter referred to as "County," and the cities of Belvedere, Corte Madera, Fairfax, Larkspur, Mill Valley, Novato, Ross, San Anselmo, San Rafael, Sausalito, and Tiburon, municipal corporation of the State of California, hereinafter referred to as "Cities."

WITNESSETH

WHEREAS, the County and the Cities have determined that it would be mutually beneficial to establish a Countywide Planning Agency to implement countywide performance standards for traffic, housing, water and sewer facilities, and environmental protection to ensure that residential and commercial growth does not exceed local water, sewer, the transportation capacities; and

WHEREAS, the County and the Cities have determined that it would be mutually beneficial to designate the Countywide Planning Agency as the Agency responsible for developing, adopting, and annually updating the countywide Congestion Management Program required by the passage of Proposition 111 in June, 1990; and

WHEREAS, the County and the Cities have determined that it would be mutually beneficial for the cities to participate directly with the County in updating the Countywide General Plan; and

WHEREAS, the County and the Cities have determined that the mutual exercise of hereinafter designated functions to achieve the above purposes would be beneficial to all parties; and

WHEREAS, Chapter 5 of Division 7 of Title 1 of the California Government Code commencing with Section 6500 authorizes Joint Powers Agreements for the provision of government services for these purposes;

NOW, THEREFORE, BE IT RESOLVED that the County and the Cities agree as follows:

1. Creation of Agency

A public agency to be known as the Countywide Planning Agency is hereby created as a separate legal entity formed pursuant to the provisions of Article 1, Chapter 5, Division 7 of Title 1 of the California Government Code relating to the joint exercise of powers common to public agencies.

2. Governing Body

The Governing Body of the Countywide Planning Agency shall include one member of the County Board of Supervisors, appointed by the Board to represent the County, and one member of the City Council of each participating City appointed by the respective City Council, provided that the Governing Body includes a minimum of eight (8) members from jurisdictions representing two thirds of the total county population based on annual estimates from the State Department of Finance.

Each member of the Governing Body shall serve at the pleasure of the appointing body. An alternate may be appointed by each appointing body and such alternate may act with full powers in the absence of the regular member of the Governing Body.

The Governing Body shall elect from its own members a chair and vice chair whose terms of office shall be determined by the Governing Body.

3. Duties

The Countywide Planning Agency shall perform the following duties:

- a. work with the County to update the Countywide Plan by reviewing and commenting on individual plan elements;
- b. develop, adopt, and annually update a countywide Congestion Management Program which includes
  - traffic level of service standards
  - transit routing and frequency standards
  - an analysis of the impacts of land use decisions on the performance of the county transportation system including an estimate of the cost of mitigating these impacts
  - a trip reduction and travel demand ordinance adopted by each local jurisdiction
  - an on-going 7 year capital improvement program to achieve and maintain the traffic and transit standards;
- c. determine city and county conformance with the countywide Congestion Management Program on an annual basis;
- d. review and approve city and county Deficiency Plans for road segments or intersections which do not meet the level of service standards set forth in the Congestion Management Program;
- e. implement the countywide performance standards for traffic, housing, water and sewer facilities, and environmental protection as outlined on Exhibit A to this Agreement;
- f. determine whether the Cities and the County have met eligibility requirements for voter-approved countywide transportation funds;
- g. work with the Cities, the County, and the Transportation Authority to establish Level of Service traffic standards for Highway 101 and other streets and roads of regional significance to meet the requirements set forth in the Congestion Management Program;
- h. review City and County progress in achieving the Level of Service traffic standards for Highway 101 and other streets and roads of regional significance;
- i. work with the Cities, the County, and local Transit Operators to develop and implement on-going seven-year regional transportation improvement programs designed to achieve the Level of Service standards for Highway 101 and other streets and roads of regional significance and the transit standards set forth in the Congestion Management Program;
- j. develop and maintain a countywide transportation computer model for evaluating General Plan consistency with the countywide standards and determining city and county conformance with the countywide Congestion Management Program;
- k. develop a regional traffic mitigation fee to help fund the transportation projects included in the seven-year regional transportation improvement program;

1. review and comment on major projects in the participating jurisdictions, using the guidelines in Exhibit C to evaluate the countywide impacts of major projects. A major project is defined as a general plan amendment, initiated by a private applicant or a public agency, which generates an increase or a decrease of 100 p.m. peak hour vehicle trips or more.

None of the duties contained herein shall be deemed to be a delegation of land use authority within the respective jurisdictions of the parties.

#### 4. Determination of Eligibility for Voter-Approved Countywide Transportation Funds

The Countywide Planning Agency will annually determine whether the County and the Cities have met the eligibility requirements for voter-approved countywide transportation funds summarized below:

##### a. Participate in Regional Planning Process

Each jurisdiction shall: 1) participate in the Countywide Planning Agency established by this Joint Powers Agreement; 2) submit its General Plan for review by the Planning Agency for consistency with the countywide standards outlined in Exhibit A to this agreement for traffic, housing, water and sewer facilities, and environmental protection; 3) submit a complete account of all residential and commercial projects approved each year to the Planning Agency for review for conformance with the Annual Trip Budget; and 4) provide local land use and transportation data for use in the countywide transportation computer model.

##### b. Adhere to Annual Growth Limit Established by Trip Budget

Each jurisdiction shall annually submit a complete account of all residential and commercial project approved during the preceding year so that the Agency can determine whether the jurisdiction has complied with the annual growth limit established by its annual trip budget as described in Exhibit B to this agreement.

##### c. Adopt Traffic Level of Service Standards

Each jurisdiction shall adopt Level of Service traffic standards for local streets and the regional Level of Service D standard for Highway 101. Each jurisdiction shall also establish and implement policies, programs, and projects to achieve and maintain these Level of Service standards.

##### d. Develop Seven Year Capital Improvement Programs to Meet the Traffic Level of Service Standards

Each jurisdiction shall prepare an on-going seven year capital improvement program for implementation of the project needed to meet and maintain its adopted Level of Service traffic standard.

##### e. Adopt a Traffic Mitigation Fee Program

Each jurisdiction shall establish a local traffic mitigation fee to fund the local transportation improvements needed for new development and a regional traffic mitigation fee for the regional improvements needed for new development. The regional mitigation fee levied by each jurisdiction shall be based on the regional fee developed by the Countywide Planning Agency.

- f. Agree that voter-approved countywide transportation funds are intended to supplement rather than replace existing dedicated or discretionary transportation funding programs
- g. Consider local transit, paratransit, school transportation, and bikeway needs when deciding how to spend voter-approved countywide transportation funds
- h. Participate in the Marin County Transportation Systems Management (TSM) Program

Each jurisdiction shall participate in the TSM Program which is adopted by a majority of the cities and the county. This program is expected to be based on the model TSM Ordinance developed by this county.

#### 5. Determination of Eligibility for State Gas Tax Subvention Funds

The Countywide Planning Agency will annually determine whether the County and the Cities have met the eligibility requirements for state gas tax subvention funds. Local jurisdictions must be in conformance with the countywide Congestion Management Program to be eligible for state gas tax subvention funds. To conform with the countywide Congestion Management Program, each local jurisdiction must:

- a. comply with the traffic and transit standards outlined in the Congestion Management Program,
- b. adopt and implement a trip reduction and travel demand ordinance,
- c. adopt and implement a program to analyze the impacts of their land use decisions on the performance of the county transportation system, and
- d. adopt Deficiency Plans for road segments or intersections which do not meet the traffic level of service standards outlined in the Congestion Management Program.

A local jurisdiction must be a participant in the Countywide Planning Agency in order to be eligible for state gas tax subvention funds.

#### 6. Powers

The Countywide Planning Agency is hereby authorized to do all acts necessary to carry out the duties described in Section 3 including but not limited to:

- a. executing contracts;
- b. applying for and accepting gifts, donations, grants, subvention, or other financial aids or funds;
- c. employing agents and employees;
- d. adopting an annual budget setting forth all administrative, operational, and capital expenses for the Agency to be financed, at least in part, from the two percent of the sales tax allocated for regional planning;
- e. suing and being sued in its own name;



- f. incurring debts, liabilities, or obligations;
- g. executing warrants or other evidence of indebtedness;
- h. financing costs and expenses incidental to the projects of the Agency.

The Agency shall not have the power to levy ad valorem property taxes and shall not have any powers over land use, zoning or subdivision approvals within the boundaries of any of its member jurisdictions.

7. Meetings

Regular meetings of the Governing Body of the Countywide Planning Agency shall be held at such times and places as established by the Agency by resolution. All such meetings, including regular, adjourned or special meetings shall be called, noticed, and conducted in accordance with the provisions of the Ralph M. Brown Act, Sections 54950 through 54960 of the Government Code of the State of California.

8. Quorum

A majority of the members of the Governing Body shall constitute a quorum for transacting business except that less than a quorum may adjourn a meeting.

9. Voting

A majority of the jurisdictions participating in the Countywide Planning Agency representing a majority of the participating jurisdictions will be required for all Agency actions except: 1) determinations on whether the Cities and the County have met the eligibility requirements for voter-approved countywide transportation funds; and, 2) determinations on whether the cities and the county have met the eligibility requirements for state gas tax subvention funds.

Voter-approved countywide transportation funds for each jurisdiction participating in the Countywide Planning Agency will be approved by the Countywide Planning Agency unless opposed by a majority of the jurisdictions on the Planning Agency representing a majority of the population of the participating jurisdictions. Jurisdictions denied their share of countywide transportation funds by the Countywide Planning Agency may appeal the Planning Agency decision to the Transportation Authority with a minimum of four votes required by the Authority to overturn the Planning Agency decision. This appeal process shall be limited to jurisdictions denied their share of voter-approved countywide transportation funds by the Countywide Planning Agency.

The state gas tax subvention funds for each local jurisdiction in the county will be approved by the Countywide Planning Agency unless opposed by a majority of the jurisdictions on the Planning Agency representing a majority of the population of the participating jurisdictions. If a majority of the jurisdictions representing a majority of the population of the jurisdictions participating in the Countywide Planning Agency determine that a local jurisdiction is not complying with the countywide Congestion Management Program, then the local jurisdiction will not be eligible to receive state gas tax subvention funds.

10. By-Laws

The Governing Body of the Countywide Planning Agency may adopt such by-laws, rules and regulations for the conduct of its affairs as may be required.

11. Staffing

The Countywide Planning Agency may appoint and retain staff as necessary to fulfill its powers, duties and responsibilities under this Agreement, including the appointment of temporary or permanent staff, or contracting with consultants and/or Cities or the County for staff support.

12. Funding

The Countywide Planning Agency may receive up to 2% of the revenue generated each year from voter-approved countywide transportation funds. This revenue will be available for the Agency to use in carrying out regional planning and growth management responsibilities assigned to it by the Countywide Congestion Management Program and any other regional planning program. Additional revenue which may be needed to carry out the functions of the Agency will be collected from the participating jurisdiction using the gas tax subvention formula based on population and road mileage.

13. Fiscal Agent

\*The Marin County Auditor-Controller and Treasurer-Tax Collector shall be the Auditor and Treasurer for the Countywide Planning Agency pursuant to Section 6505.6 of the Government Code.

The Agency shall be strictly accountable to all participating jurisdictions for all receipts and disbursements. The Agency may not obligate itself beyond the monies due to it under this Agreement as outlined in paragraph 5d plus any monies on hand or irrevocably pledged to its support from other sources. No obligation contracted by the Agency shall bind the Cities or the County.

In the event that liability is imposed upon the Agency by a Court of competent jurisdiction by reason of negligent or willful act or omission of it by its officers or employees, the monetary judgment against the Agency shall be paid by the participating jurisdictions found to be liable in the court's judgment.

14. Amendments to the Agreement

Amendments to this agreement and its exhibit must be approved by a minimum of eight (8) jurisdictions representing two thirds of the total county population.

15. Restrictions

This Agreement is entered into under the provisions of Government Code Section 6500 et. seq. concerning joint powers agreements. The Powers to be exercised hereunder shall be subject to the restrictions upon the manner of exercising those powers as limited by law.

16. Withdrawal and Termination of Membership in Agency

The County or a City may withdraw from the Agency on July 1 of any given year provided the local jurisdiction has provided the Agency with at least 90 days notice in writing of its intent to withdraw. A withdrawal from the Agency shall require the dissolution of the Agency if it results in fewer than eight jurisdictions participating in the Agency representing less than two-thirds of the total county population.

17. Disposition of Assets Upon Termination of Agency

In the event that the Agency is terminated, any assets remaining after all liabilities, encumbrances and liens have been paid shall be distributed to the member Cities and County using the gas tax allocation formula based on population and road mileage.

18. Indemnification

Each party to this Agreement hereby agrees to indemnify, defend, and hold harmless, the Agency and each of the other parties in connection with any claims or suits pertaining to land use decisions within that party's jurisdiction. Any suit or claim pertaining to land use decisions shall be the sole responsibility of the party which has planning jurisdiction over the land in question and that party shall defend and assume responsibility for any claims or suits against the Agency or any other party hereto.

19. Execution of Agreement

This agreement shall become effective when representatives of the County and a minimum of seven Cities representing two thirds of the total county population have executed it and shall continue in full force and effect until terminated by an agreement executed by all parties, or until January 1, 2011, whichever is earlier, provided, however, that this Agreement may be renewed or amended by mutual agreement.

IN WITNESS WHEREOF, the parties hereto have entered into the Agreement the day and year first above written.

DATE: 09-07-93

COUNTY OF MARIN

BY

Bob Rounquiere  
Bob Rounquiere

CITY OF BELVEDERE

BY

Kenneth G. Johnson  
Kenneth G. Johnson, Mayor

TOWN OF CORTE MADERA

BY

Vaso Medigovich  
Vaso Medigovich, Mayor

TOWN OF FAIRFAX

BY

Susan Brandborg  
Susan Brandborg, Mayor

DATE: 08-23-93

DATE 09-14-93

CITY OF LARKSPUR

BY Joan L. Lundstrom  
Joan L. Lundstrom, Mayor

DATE 09-07-93

CITY OF MILL VALLEY

BY Betsy Cutler  
Betsy Cutler, Mayor

DATE 09-28-93

CITY OF NOVATO

BY Harry Moore  
Harry Moore, Mayor

DATE 9-9-93

TOWN OF ROSS

BY Peter Brekhus  
Peter Brekhus, Mayor

DATE 09-10-93

TOWN OF SAN ANSELMO

BY Paul Chignell  
Paul Chignell, Mayor

DATE 09-07-93

CITY OF SAN RAFAEL

BY Albert Boto  
Albert Boto, Mayor

Attest: Jeanne Leoncini  
Jeanne Leoncini, City Clerk

DATE 11-21-93

CITY OF SAUSALITO

BY Amy Belser  
Amy Belser, Mayor

DATE 09-03-93

TOWN OF TIBURON

BY Michael Friedman  
Michael Friedman, Mayor

## EXHIBIT A

### COUNTYWIDE PLANNING STANDARDS CHECKLIST FOR GENERAL PLANS

#### ENVIRONMENTAL STANDARDS

- E-1 Does the general plan require protection of environmental resources such as wetlands, ridgelines, creeks, and shorelines? Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

#### Wetlands:

- E-2 Does the general plan prohibit the filling of wetlands or require mitigation for filling wetlands?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

- E-3 Does the general plan require a significant buffer zone between the project and adjacent wetlands?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

#### Creeks and Streams:

- E-4 Does the general plan require setbacks from the tops of stream banks?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

- E-5 Does the general plan require the preservation of riparian habitat contiguous to creeks and streams?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

#### Ridgelines:

- E-6 Does the general plan preserve vegetation and scenic resources on ridges and hillsides by requiring low density development in wooded areas and clustering below ridgelines? Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

#### Open Space:

- E-7 Does the general plan include an open space plan designating lands for preservation as greenbelts, community separators, environmental resources, public safety and recreation?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

- E-8 Does the general plan include an implementation program for acquiring or preserving these lands?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

## HOUSING STANDARDS

H-1 Has the jurisdiction adopted a Housing Element which establishes policies, programs, sites, and quantified objectives to provide and protect an affordable housing supply and does the Element include a requirement for an annual progress report and a public process for evaluating the jurisdiction's progress in implementing the Element?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

H-2 Can the jurisdiction demonstrate reasonable and continuing efforts to achieve measurable progress in preserving and increasing its supply of affordable housing through a variety of programs which may include: mixed use development, condominium conversion ordinances, high density development along major transit routes, housing impact fees, second units, land banking, minimum development standards, and significant inclusionary requirements?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

H-3 Does the jurisdiction's general plan analyze the relationship between existing and projected jobs and existing and projected housing in the jurisdiction, the planning area, and the county, and does the general plan include policies and programs which address this relationship?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

H-4 Has the local government established a procedure and assigned staff to promote or assist in the development and financing of affordable housing and to conduct an annual review of progress in implementing the Housing Element?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

## TRANSPORTATION STANDARDS

T-1 Does the jurisdiction's general plan include traffic level of service standards and implementation programs to achieve and maintain the level of service standards adopted in the jurisdiction's general plan?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

T-2 Does the jurisdiction's general plan or capital improvement program identify the improvements needed to achieve and maintain its adopted level of service standards?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

T-3 Have realistic funding sources been identified and secured for the needed capital improvements?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

T-4 Has the jurisdiction adopted a traffic mitigation fee program based on the capital projects needed to achieve and maintain the level of service standards?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

T-5 Is the jurisdiction's general plan consistent with the requirements of the Congestion Management Plan concerning highway and transit level of service standards, capital projects, trip reduction and travel demand management, and analysis of land use impacts?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

T-6 Does the general plan require that new development may be constructed only after funding for needed transportation improvements has been guaranteed, environmental review has been completed, and findings have been made that the needed improvements will be completed in time to prevent the jurisdiction's adopted level of service standards from being exceeded?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

#### STANDARDS FOR COMMUNITY FACILITIES AND SERVICES

CF-1 Do the general plan or implementing measures require coordination with water and sanitary districts in the provision of adequate water and sanitary facilities to service existing and future development?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

CF-2 Do the general plan or implementing measures require that a development project provide evidence that water and sanitary sewer connections have been granted before a development receives final ministerial permits, e.g., final map, parcel map or building permits?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

CF-3 Do the general or implementing measures require the jurisdiction to report to the appropriate water and sanitary districts on development activities for which the district needs statistics or other information?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

CF-4 Do the general plan or implementing measures encourage and promoted water conservation measures?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_





## **EXHIBIT B**

### **ANNUAL TRIP GENERATION BUDGET PLANNING STANDARD**

In determining whether each of the cities and the county have met the eligibility requirements for voter-approved countywide transportation funds, the Countywide Planning Agency (Agency) shall annually review the developments approved by each of the Cities and by the County for conformance with each jurisdiction's Annual Trip Generation Budget (Trip Budget).

The Annual Trip Generation Budget for each city and for the county is defined as the total afternoon peak hour trips which would be generated by the buildout of all development permitted in the General Plan of each City and of the County divided by the number of years required for the completion of the transportation system which would be needed to serve the development permitted in each General Plan.

The new trips which would be generated by the build-out of each General Plan shall be determined using the traffic engineering industry standard trip making rates as presented in Trip generation, 4th Edition, prepared by the Institute of Transportation Engineers and applied to the land use and development permitted in each General Plan.

The number of years which shall be used to divide into the total added trip generation and thereby establish the annual Trip Budget shall be set as the time required to complete the transportation system improvements described in a voter-approved countywide transportation plan.

The Trip Budget for each City and for the County shall be established by the Agency at the time when the General Plan for each jurisdiction is reviewed for conformance with the countywide standards included in the County Growth Management Program. The Trip Budget for each jurisdiction shall be recalculated whenever a jurisdiction amends its General Plan. If a jurisdiction's annual Trip Budget is less than 5 afternoon peak hour trips, based on a General Plan, that jurisdiction's annual Trip Budget shall be set at 5 afternoon peak hour trips.

At the end of each year, each city and the county shall submit a report to the Agency on the number, type and scale of projects approved and the number of afternoon peak hour trips which would be generated by projects approved in the preceding year. A jurisdiction shall be found to be in conformance with its Annual Trip Budget if the total afternoon peak hour trip generation from projects approved in the preceding year is less than the Annual Trip Budget for that particular jurisdiction. Trips which would be generated due to the approval of low or moderate income housing developments shall be excluded from the calculation of afternoon peak hour trips generated by projects approved in the preceding year.

In order to account for normal variations in the rate of development activity caused by factors beyond local control, local jurisdictions will be allowed to exceed their annual Trip Budget for up to two consecutive years without losing their share of voter-approved countywide transportation funds so long as the afternoon peak hour trips generated by the development approved by that jurisdiction over a three year period does not exceed the sum of three years of the jurisdiction's annual Trip Budget.

For each of the first or second years when a city or the county exceeds its Trip Budget, that jurisdiction shall be determined by the Agency to not be in conformance with the Trip Budget planning standard and shall not be eligible to receive its share of voter-approved countywide transportation funds in that year but would remain eligible to receive these funds at the following annual review of its development approval activities.

The funds not allocated to a City or the County because it did not meet the Trip Budget planning standard shall be placed in reserve until the end of three years following the first time the City or the County exceeded its Trip Budget. If, at the end of the three-year period from when the Trip Budget was first exceeded, the City or the County has approved new development which would generate fewer trips than the sum of three years of its annual Trip Budget, the City or the County shall be determined by the Agency to be in conformance with the Trip Budget planning standard for that three-year period and shall be eligible to receive three years of voter-approved countywide transportation funds.

If, at the end of the three-year period from when the Trip Budget was first exceeded, a City or the County has approved new development which would generate trips in excess of the sum of three years of its annual Trip Budget, the voter-approved countywide transportation funds for those three years shall be returned to the Transportation Authority for use as the Authority deems appropriate. The City or the County would never again be eligible for the three years of funds which are returned to the Authority but would remain eligible for subsequent fund allocations in future years. However, a jurisdiction which exceeds its three-year Trip Budget by no more than ten afternoon peak hour trips or 5% of its annual Trip Budget, whichever is smaller, may apply to the Countywide Planning Agency for a variance from the three-year Trip Budget. The Agency's decision whether or not to grant the variance shall be based on specified findings.

## EXHIBIT C

### GUIDELINES FOR EVALUATION OF COUNTYWIDE EFFECTS OF MAJOR PROJECTS

These guidelines should be used to evaluate the impacts of major projects which are of countywide significance and which affect neighboring jurisdictions.

#### ENVIRONMENTAL STANDARDS

- E-1 Does the major project provide protection of environmental resources such as wetlands, ridgelines, creeks, and shorelines? Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

#### Wetlands

- E-2 Does the major project prohibit the filling of wetlands or include mitigation for filling wetlands?  
Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

- E-3 Does the major project include a significant buffer zone between the project and adjacent wetlands?  
Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

#### Creeks and Streams

- E-4 Does the major project provide setbacks from the tops of stream banks?  
Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

- E-5 Does the major project provide for the preservation of riparian habitat contiguous to creeks and streams?  
Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

#### Ridgelines

- E-6 Does the major project preserve vegetation and scenic resources on ridges and hillsides by requiring low density development in wooded areas and clustering below ridgelines?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

#### Open Space

- E-7 Does the major project designate lands for preservation as greenbelts, community separators, environmental resources, public safety or recreation?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

E-8 Does the major project include provisions for permanently preserving these lands?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

### HOUSING STANDARDS

H-1 Does the major project contribute to the jurisdiction's supply of affordable housing through a variety of programs which may include but are not limited to: mixed use development, high density development along major transit routes, housing impact fees, land banking, minimum development standards, and significant inclusionary requirements? Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

H-2 Has the jurisdiction analyzed the major project's impact on jobs and housing in the jurisdiction, the planning area, and the county? Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

### TRANSPORTATION STANDARDS

T-1 Are the impacts of the major project on traffic on local streets and roads and on the arterial street and highway system adequately identified? Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

T-2 Does the major project include mitigations to maintain the traffic level of service standards adopted in the jurisdiction's general plan? Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

T-3 Does the major project include conditions of approval requiring that new development may be constructed only after funding for needed transportation improvements has been guaranteed, environmental review has been completed, and findings have been made that the needed improvements will be completed in time to prevent the jurisdiction's adopted level of service standards from being exceeded? Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

### STANDARDS FOR COMMUNITY FACILITIES AND SERVICES

CF-1 Is adequate information provided about the ability of water and sanitary districts to provide adequate water and sanitary facilities to serve the major project? Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

CF-2 Is evidence provided that water and sanitary sewer connections will be granted before the major project receives final ministerial permits, e.g. final map, parcel map or building permits?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

CF-3 Does the major project include features which encourage and promote water conservation?

Yes \_\_\_\_\_ No \_\_\_\_\_

Comments \_\_\_\_\_

## Draft Countywide Plan Policies

- CD-4.b**     *Coordinate with Local Jurisdictions.* Work with cities, districts and the Countywide Planning Agency to ensure that their plans are consistent with Countywide Plan policies and programs, to update population and employment projections used to estimate service and capital project needs, and to address key issues that require joint planning, such as the shared use of indicator-based software that tracks air and water quality, energy, transportation and other critical concerns.
- CD-4.c**     *Coordinate with Adjacent Jurisdictions.* Provide comments as feasible on the general plan updates or proposed major development projects and participate in cooperative transportation and land use planning efforts with nearby jurisdictions; and seek comments from neighboring jurisdictions on the Marin Countywide Plan and other County planning efforts.
- CD-5.a**     *Review General Plans.* Lead and participate in a periodic review by the Countywide Planning Agency of local general plans to ensure consistency among population projections, traffic level of service standards and mitigation, and programs addressing housing, environmental quality, and provision of community facilities and services.
- CD-5.b**     *Develop Highway 101 Corridor Specific Plans.* Work with the Countywide Planning Agency and the cities and towns of Marin to formulate Specific or Master Plans along the 101 Corridor that identify and plan for appropriate sites for higher-intensity, transit-oriented development, including mixed-use projects. (See Programs CD-2.a, CD-2.d, DES-2.a, DES-2.c, DES-3.a, and HS-3.n through HS-3.t.)
- CD-5.c**     *Maintain Traffic Levels of Service.* Cooperate through the Countywide Planning Agency to coordinate the pace of development with the provision of alternative transportation system capacity, and modify land use designations or provide capital improvements or transit services necessary to maintain traffic level of service standards for Highway 101 and other routes of regional significance.
- CD-5.d**     *Coordinate with Water and Sanitary Districts.* Work with cities and towns through the Countywide Planning Agency to communicate regularly with water and wastewater service providers regarding development activities, growth projections and capacity issues.
- CD-5.f**     *Redefine Countywide Planning Functions.* Consider redefining the functions of the Countywide Planning Agency to include a housing action team, energy conservation, countywide revenue sharing, review of major development projects for traffic impacts, balancing the jobs/housing ratio and sharing land use planning and monitoring software programs.